

House Bill 1233 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 110th, Hamilton of the 23rd, Bearden of the 68th, Oliver of the 83rd, Mosby of the 90th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the jurisdiction, powers, and duties, generally, of the Georgia Public Service Commission, so as to provide that the certain costs sustained by the Public Service Commission shall be charged to the involved utility; to provide that such cost may be included in any approved rate increase; to provide for certain limits on the amount that can be charged to the utility; to provide for commission review of certain invoices; to provide that the utility can recoup certain costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the jurisdiction, powers, and duties, generally, of the Georgia Public Service Commission, is amended by adding a new Code section to read as follows:

"46-2-33.

(a) The cost to the commission of providing reasonably necessary specialized testimony and assistance in conducting affiliate transactions audits prior to utility rate cases, in monitoring nuclear power costs, and in proceedings initiated by the utility, including, but not limited to, utility rate cases, fuel cost recovery cases, gas supply cases, and capacity supply cases, shall be charged to the affected utility. The amount of any such charges shall not exceed \$200,000.00 per case per year, except for utility rate cases, generation construction monitoring, integrated resource planning cases, and generation certification cases, to the extent such amount is not also being recovered pursuant to an order issued under subsection (c) of Code Section 46-3A-5, which shall not exceed \$600,000.00 per case per year. The maximum fee shall be adjusted on an annual basis based on the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. In the event the Consumer Price Index is no longer available, the

commission shall select a comparable broad national measure of inflation. This Code section shall not apply to proceedings for Tier 1 local exchange companies that have elected alternative regulation or to certificated competing local exchange carriers.

(b) At the time the commission determines that specialized testimony and assistance is required, the commission shall issue an order setting forth the scope and budget for such testimony and assistance. All invoices relating to the testimony and assistance shall be subject to commission review and approval, and no utility shall be required to pay any invoice not approved by the commission.

(c) The amounts paid by regulated companies under this Code section shall be deemed a necessary cost of providing service, and the utility shall be entitled to recover the full amount of any costs charged to the utility pursuant to this Code section. In addition, at the election of the utility, the utility shall be entitled to recover all such costs promptly through a reasonably designed rider designated for such purpose."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.